

NO. 12-11-00372-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IWS GAS AND SUPPLY OF TEXAS LTD., SHAWN TINDALL, MICHAEL GEORGE AND JOHN ROGSTAD,
APPELLANTS § *APPEAL FROM THE 7TH*

V.

§ *JUDICIAL DISTRICT COURT*

MATHESON TRI-GAS, INC.,
APPELLEE

§ *SMITH COUNTY, TEXAS*

*MEMORANDUM OPINION
PER CURIAM*

Appellants and Appellee have filed a joint motion to dismiss this appeal. In their motion, the parties state that they have agreed to settle and resolve all issues concerning this matter and appeal and therefore jointly move to dismiss the appeal. Because the parties have met the requirements of Texas Rule of Appellate Procedure 42.1(a)(1), the motion is *granted*, and the appeal, which is associated with the notices of appeal filed on November 17, 2011, and March 8, 2012, respectively, is *dismissed with prejudice* to refiling.

Opinion delivered June 29, 2012.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

JUNE 29, 2012

NO. 12-11-00372-CV

**IWS GAS AND SUPPLY OF TEXAS, LTD.
SHAWN TINDALL, MICHAEL GEORGE AND JOHN ROGSTAD,**
Appellants
V.

MATHESON TRI-GAS, INC.,
Appellee

Appeal from the 7th Judicial District Court
of Smith County, Texas. (Tr. Ct. No. 2011-3048-A)

THIS CAUSE came on to be heard on the joint motion of the Appellants and Appellee to dismiss the appeal herein, and the same being considered, it is hereby ORDERED, ADJUDGED and DECREED by this Court that the motion is **granted** and this appeal be **dismissed with prejudice**; all costs of this appeal are assessed against the party incurring same; for which let execution issue; and that this decision be certified to the court below for observance.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.